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# Taking Representation Seriously

## Expertise, Participation and the Government of Risks

CAMIL-ALEXANDRU PÂRVU

I examine in this article certain normative issues pertaining to the science – politics relationship. I describe a number of recent studies<sup>1</sup> that – acknowledging the increasing role of scientific expertise for political decisions, discuss the potential legitimacy problem that arises from that relationship. To answer the defined legitimacy problem, these accounts suggest that more inclusive, public *participatory* democratic procedures should be put in place in the collection and use of expertise, so that the trend towards the *scientification of politics* can be counterbalanced by one of *democratizing expertise* itself.

The public participatory accounts have not, of course, debuted with the dilemmas of scientific advice in political decision-making. There is a growing body of studies in democratic theory that – to mention only Benjamin Barber and Seyla Benhabib<sup>2</sup> – have advocated a “stronger” democracy, a radically inclusive and participatory decision-making setting. But this literature, which claims to expose the normative inadequacy of the more classical accounts of political representation, has found a renewed support from a number of observers of the science and politics relationship, [i.e. contributors to Science and Technology Studies (STS), political philosophers and philosophers of science, etc]. The problematic normative role of scientific expertise in policy-making is offering a new ground for accounts that aim to replace political representation by a combination of analytic, deliberative and inclusive participatory procedures.

My aim in this article is to question the main framing of the problem of legitimacy of scientific expertise in political policy-making, as it is present in the radical participatory accounts discussed below. I expose a number of shortcomings of these accounts; while raising the “legitimacy of expertise” issue and drawing attention to the current relationship between science and politics, they offer a reductionist view of the normative issues involved. Then, I raise a more general objection against some of the current normative arguments for public participation, which rely on a procedural requirement in order to solve deep substantial, structural problems. The aim, throughout this study, is to revitalize theoretical interest in the rich normative potential and the analytical adequacy of the concept of *political representation*.

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<sup>1</sup> Bruno LATOUR, *Politics of Nature. How to Bring the Sciences into Democracy*, transl. by C. Porter, Harvard University Press, Cambridge, Mass., 2004; Sheila JASANOFF, *States of Knowledge. The Co-Production of Science and Social Order*, Routledge, London, 2004, and *Designs on Nature. Science and Democracy in Europe and the United States*, Princeton University Press, Princeton, 2005.

<sup>2</sup> Benjamin BARBER, *Strong Democracy: Participatory Democracy for a New Age*, University of California Press, 1984; Seyla BENHABIB (ed.), *Democracy and Difference, Contesting the Boundaries of the Political*, Princeton University Press, Princeton, 1996; Iris Marion YOUNG, *Inclusion and Democracy*, Oxford University Press, Oxford, 2000.

I also contend that greater accountability depends on greater capacity for political representation, and not (exclusively) on larger participation, and this is especially visible in the problematic of scientific advice for political decision-making.

## UNDERSTANDING THE PROBLEM OF THE LEGITIMACY OF EXPERTISE

Risk and uncertainty have lately emerged as the central topic of a large area of theoretical and empirical research in social sciences<sup>1</sup>. Driven sometimes by the concern to re-conceptualize and integrate the problematic of risk in current theories, concepts such as regulation and *governance*<sup>2</sup> tend to replace more traditional notions used to understand and theorize political institutions, relations and structures. The role of scientific expertise in government, which in fact never leaved the concerns of political philosophers, is now increasingly invoked in the discourses dealing with the choices and political responsibility concerning inter-generational justice, technological progress, distribution of risks and the purpose of innovation.

It has become a widespread view, these last years, that the classical categories of political theory no longer reflect the rapidly changing nature of political and non-political entities and relations that affect our lives in a global context, and that traditional institutions are powerless in the face of novel challenges. Fast communication, global reach of economic actors and the global scope of environmental, technological, and health risks create the need for a new normative setting in which, among other conceptual innovations, *governance* replaces *government*.

This view is also considered to apply to the changing relations between scientific expertise and contemporary democratic institutions. The terms of these relations are no longer, according to most observers, governed by the post-war understanding of the relation between science and government. The reference for that partnership between the post-war American (and, by extensions, western) governments and the scientific community is Vannevar Bush's *Science – The Endless Frontier*, which conceived in 1945 a particular structure of the insertion of scientific research into a nation's wider developmental and strategic concerns. Elaborated at the request of President Roosevelt, the report justified important public funding of major scientific research projects, as well as a form of autonomy for the scientific community, under the assumption that – directly or indirectly, these scientific advances will have a crucial effect on the country's security, and will prove essential "to our better health, to more jobs, to a higher standard of living, and to our cultural progress"<sup>3</sup>.

<sup>1</sup> Peter Taylor GOOBY, Jens O. ZINN (eds.), *Risk in Social Science*, Oxford University Press, New York, 2006; Christopher HOOD, Henry ROTHSTEIN, Robert BALDWIN, *The Government of Risk. Understanding Risk Regulation Regimes*, Oxford University Press, Oxford, 2001; Kip VISCUSI, *Rational Risk Policy: The 1996 Arne Ryde Memorial Lectures*, Clarendon Press-Oxford University Press, Oxford, 1998; Cass R. SUNSTEIN, *Laws Of Fear: Beyond The Precautionary Principle*, Cambridge University Press, New York, 2005.

<sup>2</sup> "Governance" has an increasing presence in many documents issued by national and European bodies that aim to tackle the normative complexity of current institutional innovations, as well as an answer to the perceived "deficit of legitimacy" in Europe.

<sup>3</sup> Vannevar BUSH, *Science – The Endless Frontier*, US Government Printing Office, Washington, 1945.

Under this "social contract", as it has been characterized by many scholars<sup>1</sup>, governments confer autonomy and public funding for basic research, while the results of this fundamental research will – sooner or later – translate into, and consolidate the technological progress and the scientific expertise that rapidly become an *incontournable* part of political decision-making.

In risk regulation settings, this perspective corresponds to a sharp division between the scientific and the political elements of decision-making. The regulatory process, according to this traditional view, is made up of several distinct phases, the main two being *risk assessment* and *risk management*. Risk assessment is supposed to be entirely scientific, objective, truth-tracking, while risk management, on the contrary, integrates that scientific assessment in the political decision-making, i.e., in trade-offs between values, interests of different constituencies and other social priorities, that constitute the task of accountable (directly or indirectly) political authorities.

In recent decades, however, this view of the relationship of scientific expertise and politics is no longer accepted by an increasing number of scholars. They often point out that, far from being autonomous *and* objective, the scientific expertise that defines the risk assessments, and the regulatory processes in general, is neither. Important works in the field of sociology of knowledge or Science and Technology Studies such as those of Helga Nowotny and Michael Gibbons<sup>2</sup>, have drawn the attention to the difference between two distinct modes of production of knowledge. The science-for-policy, or regulatory science, is produced under a different mode than basic research.

"The old paradigm of scientific discovery ('Mode 1') – characterized by the hegemony of theoretical or, at any rate, experimental science; by an internally-driven taxonomy of disciplines; and by the autonomy of scientists and their host institutions, the universities – [is] being superseded by a new paradigm of knowledge production ('Mode 2'), which [is] socially distributed, application-oriented, trans-disciplinary, and subject to multiple accountabilities."<sup>3</sup>

In a recent study, Gibbons, Nowotny and Scott describe what they understand as being the new context and the new "Mode 2" of production of knowledge. If Latour already pressed the distinction between "science" and "research"<sup>4</sup>, Nowotny *et al.* describe an environment in which research is "steered" by various funding bodies; it is subject to an increasing "commercialization" – partly due to funding environments, partly to the issues related to intellectual property; universities and other research centers have become more "accountable" – in the sense of being "managed", the quality and effectiveness of research assessed; it is "generated in a context, [...] different from the process of application by which 'pure' science, generated in theoretical/experimental environments, is 'applied'"; and finally,

<sup>1</sup> Sheila JASANOFF, *Designs on Nature, Science and Democracy in Europe and the United States*, Princeton University Press, Princeton, 2005.

<sup>2</sup> Michael GIBBONS, Camille LIMOGES, Helga NOWOTNY, Simon SCHWARTZMAN, Peter SCOTT, Martin TROW, *The New Production of Knowledge*, Sage Publications, London, 1994; Helga NOWOTNY, Peter SCOTT, Michael GIBBONS, *Re-Thinking Science. Knowledge and the Public in an Age of Uncertainty*, Polity Press, Cambridge UK, 2001.

<sup>3</sup> Helga NOWOTNY, Michael GIBBONS, Peter SCOTT, "Introduction: 'Mode 2' Revisited: The New Production of Knowledge", *Minerva*, vol. 41, no. 3, 2003, p. 179.

<sup>4</sup> Bruno LATOUR, "From the World of Science to the World of Research?", *Science*, vol. 280, issue 5361, 1998, pp. 208-209.

"[t]he research process can no longer be characterized as an 'objective' investigation of the natural (or social) world, or as a cool and reductionist interrogation of arbitrarily defined 'others'. Instead, it has become a dialogic process, an intense (and perhaps endless) 'conversation' between research actors and research subjects – to such an extent that the basic vocabulary of research (who, whom, what, how) is in danger of losing its significance. *As a result, traditional notions of 'accountability' have had to be radically revised.* The consequences (predictable and unintended) of new knowledge cannot be regarded as being 'outside' the research process because problem-solving environments influence topic-choice and research-design as well as end-uses"<sup>1</sup>.

Drawing, on these findings, many participatory democrats have defined a *legitimacy problem*: these new forms of expertise are a key element of political decision-making, but they are more than just 'advisory' – as their framing assumptions fundamentally steer and circumscribe the (political) options available for regulation. Yet, despite being "socially distributed" and "subject to multiple accountabilities", they are not adequately integrated into a framework of accountability. This problem is, furthermore, considered by them to be illustrative of the clear limits of traditional representative views of democracy. Traditional representative democratic institutions have not been able to deal with the new normative environment. The answer, hence, for the legitimacy problem is reliance not on "elusive" and "obscure" mechanisms of political representation, but on the epistemic *and* legitimizing virtues of public participation.

Public participation, in these arguments, achieves a series of objectives: democratizes expertise and renders science "socially robust"; and replaces representation. I will turn now to these two strands of argument.

### *Expertise, the Environment and Participation*

Political decision making, when concerning catastrophic and/or irreversible risks, faces a double requirement: a normative and an epistemic one. Such decisional contexts, even more than others, suggest that beyond the need to secure a solid normative ground for the choices been made, there is an equally important imperative to get those choices *right*, in the sense of being supported by some epistemic certification. But satisfying these two criteria is a complex task, and modern democratic representative institutions have been increasingly criticized for preferring one of them at the expense of the other, or even for fulfilling neither in trying to correspond to both. For some authors, this major conundrum is part of the new, "reflexive modernity" that illustrates the new "risk society"<sup>2</sup>.

The epistemic *and* legitimating virtues<sup>3</sup> of public participation are an important new dimension of the participatory democratic theories as they explore the risk regulatory issues, and the science-politics relationship in general. These arguments,

<sup>1</sup> *Ibidem*, p. 187, my emphasis.

<sup>2</sup> Ulrich BECK, *The Risk Society. Towards A New Modernity*, Sage, London, 1992; Antony GIDDENS, "Risk and Responsibility", *Modern Law Review*, vol. 62, no. 1, pp. 1-10.

<sup>3</sup> Sheila JASANOFF, "Technologies of Humility: Citizen Participation in Governing Science", *Minerva*, vol. 41, no. 3, 2003, pp. 223-244.

relying often on the above mentioned discussions of the "Mode 2" production of knowledge and its socially dispersed character, affirm that, since much of the relevant information needed for good governance is "locally produced" and embedded into local practices, traditions, and techniques, it follows that it is only extended and public participation in the risk assessment and management phases that could bring up this crucial expertise. This "citizen science" finally represents not only an important resource to be tapped by the regulatory institutions, but becomes the central point of the epistemic certification of collective participatory decision-making.

Reversing a traditional division between the "lay" public and the scientific community, these theories radically expand the scope of expertise and multiply its credentials. Widespread public participation in the production of expertise and the management of risks becomes, thus, a condition for the epistemic quality of decision-making. Besides epitomizing the democratic legitimacy criterion, the participatory procedures offer also a more solid scientific ground for complex decisions in contemporary societies. Correspondingly, representative institutions are found to be, according to these arguments, failing on both normative and epistemic criteria. To the arguments that deny to political representation its normative value, now they add the argument that, in many contemporary decisional contexts, the representative institution's epistemic grounding is, at best, inadequate.

Several political theorists have used these findings in order to advocate for more participatory and less representative democratic arrangements in designing environmental policies. The "green" political theory is especially interested in finding and elaborating a normative framework in which to integrate a number of elements that are – at least *prima facie* – difficult to join together. From social (global) justice to environmental protection, esthetic considerations, sustainable growth, technological innovation, animal rights, and the wellbeing of future generations (intergenerational justice), these are some of the priorities of green political theorizing that only underscore the difficulty of the task.

Yet, in recent years, a certain preference for public participatory procedures seems to emerge as the best answer to the ecological challenge in political theory. Andrew Dobson, Robyn Eckersley and John Dryzek<sup>1</sup>, to mention only a few authors, have simultaneously argued that public participation is the most legitimate procedure that is also epistemically grounded – in this case, by producing more environmentally sustainable decisions than other decisional procedures, and by taking the interests of nature, "others", or future generations better into account – and, at the same time, they have expressed in various degrees a significant skepticism for the capacity of representative institutions to fulfill this task.

Rather than summing up their arguments here, I rather point to the common strand that I have identified as originating in a modified (descriptive) understanding of the nature of expertise and its relation to political decision-making, and evolving into a full blown normative argument that is increasingly shared by both science, technology and society observers, and by political theorists of green credentials. This argument is focused on a serious skepticism of the capacity of traditional democratic representative

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<sup>1</sup> Andrew DOBSON, *Citizenship and the Environment*, Oxford University Press, New York, 2004; Robyn ECKERSLEY, *The Green State. Rethinking Democracy and Sovereignty*, The MIT Press, Cambridge, MA, 2004; John S. DRYZEK, David DOWNES, Christian HUNOLD, David SCHLOSBERG, Hans-Kristian HERNES, *Green States and Social Movements. Environmentalism in the United States, United Kingdom, Germany, and Norway*, Oxford University Press, New York, 2003.

institutions to be accountable in this new decisional context, as well as on the plea for participatory inclusive procedures that are claimed to be, simultaneously, better embodying normative ideals, and also better adapted to face the epistemic decisional challenges of a contemporary risk society. I turn now to a brief exposition of several current arguments against representative democratic institutions.

### *Skepticism of Political Representation*

A central tenet of recent writings on the science-politics relationship and its normative consequences has been the formulation of a "*participation versus representation*" dichotomy, rooted in a particular understanding of the way in which contemporary societies have been transformed<sup>1</sup>.

Traditional representative democratic institutions are said to be unable to regulate global risks. One of the main characteristics of a "risk society" is that there is a growing mismatch between the states' territorial authority and the extra-territorial scope of regional and global risks. According to Ulrich Beck, the modern welfare state's representative institutions were designed to contribute to its legitimacy needs by – among others – re-distributing resources. Social justice concerns were thus a central justification for political representation. But these same institutions have a difficult time in transforming from resources-redistributors, in risk-redistributors, adapting to what Beck describes as the main feature and challenge for political decisions in the risk society. Not only can representative institution not control the risks that are beyond their jurisdictions; they are also increasingly dependent on a scientific expertise that is fundamentally contested.

Another argument frequently used in the literature on risk regulation – but not specific to it – is that, given the institutional imbalances and the resources inequality, such institutions are subject to "capture" by either economic lobbies, or by the organized public servants, technocrats etc. They become captured in the sense that, instead of "representing" the constituencies' interests, preferences, and values, they become dependent and serve instead the interests of the very actors they are supposed to regulate, of professional or corporatist organizations, of scientific and bureaucratic communities, etc. Reasons for this are the philosophy of institutional design, the sources of funding, or the remoteness from the public's input. Recent risk regulatory failures in Europe and elsewhere (as the BSE/ CJD "mad cow" scare) have been characterized as failures of representative institutions and of their use of expertise<sup>2</sup>, and as signaling the need for a complete reshuffle of the expertise and regulatory institutional design in many countries and EU<sup>3</sup>.

Of course, the worry that political representatives cease to be concerned with the common good or the public interest, and become partial to, or dependent on, private interest, is a classical problem of political philosophy. Some authors have,

<sup>1</sup> Charles THORPE, "Political Theory in Science and Technology Studies", in Edward J. HACKETT, Olga AMSTERDAMSKA, Michael LYNCH, Judy VAJCMAN (eds.), *The Handbook of Science and Technology Studies*, Third Edition, The MIT Press, Cambridge, MA, 2008, p. 63 (my emphasis).

<sup>2</sup> Sheila JASANOFF, "Civilization and Madness: The Great BSE Scare of 1996", *Public Understanding of Science*, vol. 6, no. 3, 1997, pp. 221-232.

<sup>3</sup> Damian CHALMERS, "Food for Thought: Reconciling European Risks and Traditional Ways of Life", *Modern Law Review* vol. 66, no. 4, pp. 532-562.

following Rousseau, identified political representation itself as the conceptual problem; modern republicanism, as well as political liberalism, have, however conserved the centrality of the concept of representation in political theorizing.

In green political theory, the skepticism regarding political representation and the demands for public participation in collective decisions is a central tenet of a large and growing literature. Traditional political representatives are portrayed as too weak in confronting the economic actors, organized scientific expertise, or insufficiently balancing the needs, the desires, the considered interests of their constituencies, of humanity, of nature, of future generations etc. As we have seen, despite the sheer complexity of the authentic and fundamental value- (and fact-) based conflicts, much of this difficulty is expected to be solved through more town meetings, consensus conferences and the "democratization of expertise".

It is worth mentioning that, concerning the problematic of risk regulation, skepticism of the potential of representative institutions to satisfy standards of legitimacy has also been voiced from a conservative, minimal-state recent trend that demands de-regulation, and which contends that recent regulatory failures have clearly shown the incapacity of governments to control an increasingly unaccountable bureaucratic and scientific apparatus. Given the superior rationality of the market, and its fairer allocation of risks and benefits, the state should be less involved in substantial decisions, controlling and distributing burdens and benefits or managing risks. The increasing dependence of modern life on science – and the complexity and uncertainties associated with it – can only amplify the state's track of failure and planning disasters. Political representation should, therefore, be sidelined not, as in the accounts studies above, in favor of greater public participation, but, on the contrary, in favor of the market mechanisms and minimal regulatory agencies.

## THE PARTICIPATION VS. REPRESENTATION DICHOTOMY

The account developed in this article is not, of course, an argument against specific forms of participation and various participatory practices, which can indeed improve the legitimacy and the quality of the decision-making process. I am however concerned about the increasingly hegemonic and exclusionary role that the *normative discourse* about public participation tends to have in these recent debates in political theory, in as far as it tends to equate public participation to legitimacy and as the opposite of political representation. Again, I am fully aware that various formal and informal settings for participation are a very important part of dealing with the complex legitimacy issues that contemporary polities are concerned with; but reducing that normative complexity to a procedural view of public participation is neither helpful nor well-founded.

Moreover, I do not question the more complex studies of the science-politics relationship. Risk regulation, for instance, has indeed crucial political "framing assumptions" that steer each of its phases; and a facts vs. values separation is certainly not adequate to characterize this process. These "framing assumptions" are of a political philosophical nature and have only recently become an object of study in its own right<sup>1</sup>.

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<sup>1</sup> Andreas KLINKE, Marion DREYER, Ortwin RENN, Andrew STIRLING, Patrick VAN ZWANENBERG, "Precautionary Risk Regulation in European Governance", *Journal of Risk Research*, vol. 9, no. 4, 2006, pp. 373-392.



My objection has several elements. The first refers to the way in which the considerations on science, expertise and politics have been instrumentalized by participatory democrats for expanding their critique of liberal representative democracy. Whether or not Science and Technology Studies have a built-in bias against liberal values, as some authors contend<sup>1</sup>, there is no easy transition from a *descriptive* analysis of the role expertise plays in policy-making to a unique *normative* framing of the legitimacy issues that arise. Second, I contend that framing the problem of legitimacy of expertise in terms of the desirability of democratizing expertise through public participation is problematic, on several levels. Third, I argue that, trying to replace representation by participation signals an important conceptual confusion and a misunderstanding of the conditions of democracy itself.

I advance, here, a more generic reticence concerning the current focus on "democratizing science" through public participation: as we have seen, the *descriptive* reframing of the science-politics relation is transformed, by radical democracy theorists, into a *normative* problem, that of a democratic deficit. But my objection is, *this is not a "new" deficit*. This is a very classical problem in political theory: the relation between democracy and expertise has always been a problematic one, "[a]t least since the first democracy executed its most prominent expert"<sup>2</sup>. As it will be argued in the last section of this article, political philosophy has long been concerned with the various crucial normative conflicts that constitute the background of political decisions. Well before being somehow brushed over and dissolved into public participation, fundamental conflicts and dilemmas such as deliberation vs. participation, interests vs. desires, stakeholders vs. shareholders, have all been the material upon which reflection on representation has been build. In the words of Isaiah Berlin, these amount to "tragic choices" that acknowledge the incommensurability of values and the authenticity of the pluralism in modern societies. Nothing in the revamped conception on science and politics mandates the hope that these classical conundrums are now easier to solve by appealing to the consensus-building procedural capacities of participatory democracy. In fact, none of the classical problems of political representation – which make its concept both rich and complex at the same time – seem to find an adequate answer in the current participatory accounts.

I contend, furthermore, that not only is the problem of legitimacy in these accounts mostly wrongly framed; but also that the normative discourse on participation is based on fundamentally problematic conceptual, practical, and – in the end, – normative assumptions.

On a practical level, certain time-, motivational-, and resources-based constraints on the realization of participatory democracy are smoothed in too easy terms. Questions such as those of time management, the financial burdens, and the dilemma of (coercively) imposing participation seem to attract little attention

<sup>1</sup> Charles THORPE, "Political Theory in Science and Technology Studies", cit., pp. 63-82. According to Thorpe, many STS scholars criticize the classical understanding of science of Karl Popper, Thomas Kuhn and Robert K. Merton as "exemplifying and upholding liberal [or conservative] political ideals and values" (p. 63).

<sup>2</sup> Mark B. BROWN, Justus LENTSCH and Peter WEINGART, "Representation, Expertise, and the German Parliament: A Comparison of Three Advisory Institutions", in *Democratization of Expertise? Exploring Novel Forms of Scientific Advice in Political Decision-Making – Sociology of the Sciences*, vol. 24, Springer, Dordrecht, 2005, pp. 81-100.

in these accounts. Furthermore, positing such high ideals of public participation against the background of an unrealistically optimistic conception of human motivations amounts, in fact, to building *the* central legitimating criterion on counterfactual or implausible conditions; an adequate theory of legitimacy has to give a more solid account of the "circumstances of legitimacy", and of the conditions of possibility of democracy, lest it ignores the "ought implies can" imperative.

Moreover, there is a strong argument that, in fact, public participation necessarily collapses into some form of representation, rendering the participatory accounts conceptually unintelligible<sup>1</sup>. As David Plotke argues, representation *is* democracy. Any participatory setting has to select and delegate agenda setters, organizers, decide on behalf of absents etc., such that it always has important elements of representation. In fact, the framing itself of the opposition "representation vs. participation" is conceptually problematic: as Plotke writes in the introduction of his essay:

"[T]he opposite of representation is not participation. The opposite of representation is exclusion. And the opposite of participation is abstention. Rather than opposing participation to representation, we should try to improve representative practices and forms to make them more open, effective, and fair. Representation is not an unfortunate compromise between an ideal of direct democracy and messy modern realities. Representation is crucial in constituting democratic practices. 'Direct' democracy is not precluded by the scale of modern politics. It is unfeasible because of core features of politics and democracy as such"<sup>2</sup>.

Another problematic way in which "participation" is used by contemporary radical or green democratic theorists against representation, consists in the recurrent confusion of procedures with substantive outcomes, as it becomes apparent in the literature which advocates public participation *in order to* further the agenda of environmental protection. Deploping the environmental protection record track of traditional representative democratic institutions, such writings argue that public participation should prove more environmentally-friendly than the various forms of political representation. As political theorists as diverse as Robert Goodin and Roger Scruton<sup>3</sup> have observed, however, there is no conceptual connection, no plausible explanation of why participating individuals may decide to sacrifice whatever preferences they may have for the sake of nature, species preservation, landscape beauty, or future generations. In the words of Goodin:

"To advocate democracy is to advocate procedures, to advocate environmentalism is to advocate substantive outcomes: what guarantee can we have that the former procedures will yield the latter sorts of outcomes?"<sup>4</sup>

Public participatory accounts rely on the conviction that, under the right circumstances, public deliberation can create consensus, can better assess and manage

<sup>1</sup> David PLOTKE, "Representation Is Democracy", *Constellations*, vol. 4, no.1, 1997, pp. 19-34.

<sup>2</sup> *Ibidem*, p. 19.

<sup>3</sup> Roger SCRUTON, "Conservatism", in Andrew DOBSON, Robyn ECKERSLEY (eds.), *Political Theory and the Ecological Challenge*, Cambridge University Press, Cambridge, 2006, pp. 7-19.

<sup>4</sup> See Robert GOODIN, *Green Political Theory*, Polity Press, Cambridge, 1992, p. 168; Cited from Terence BALL, "Democracy", in Andrew DOBSON, Robyn ECKERSLEY (eds.), *Political Theory...cit.*, p. 134.

contemporary risks, can better approach the inter-generational justice issues, can better protect nature. Yet the empirical evidence is inconclusive, while the more conceptual objections raised above seem to lead to the rather opposite conclusions.

It is, of course, true that there is a certain problem concerning the "legitimacy of expertise", but to adequately frame that problem is not easy. In fact, the radical, participatory democracy literature surveyed in this article too often relies on conceptual *racourcis*, shortcuts that in the current normative discourse of "participation" brush very fast over fundamental and old problems. There is, moreover, an important rhetorical dimension involved in the appeals to public participation – as if everyone knows or should know that it necessarily increases legitimacy, that it produces correct decisions and that it works in practice. I argue in the next section that, despite this apparent common sense view, the connection between representation, participation and accountability is more complex, and that in an important sense, which might seem paradoxical, greater accountability depends on taking more seriously political representation, rather than focusing exclusively on participation.

## TAKING SERIOUSLY POLITICAL REPRESENTATION

The classical treatment of the concept of representation, that of Hanna Pitkin<sup>1</sup>, offers a subtle yet generous understanding of the conceptual universe of the idea, and especially so in its political declination. According to her, political philosophers such as Hobbes or Burke have only offered partial glimpses into that "rather complicated, convoluted, three-dimensional [conceptual] structure". Closer to metaphor, Pitkin opens the concept of representation to a more symbolic meaning, namely, "the making present in some sense of something which is nevertheless not present literally or in fact".

This classical account allows and invites us to "take seriously" the normative potential of political representation. Moreover, the internal tensions and the conflicts between its aspects are not limits, but constitute the concept itself, and as such representation makes possible the very political relations that we try to refine and reform. The dilemmas of political representation, from delegate vs. trustee, to representing considered interests vs. representing contingent desires, and to the definition of constituencies, they are the substance of politics, and hence the circumstances of democracy.

I follow Ernesto Laclau, here, in arguing that representation – *with* its structural dilemmas – is constitutive to politics itself:

"Relations of representation are not a secondary level reflecting a primary social reality constituted elsewhere; they are, on the contrary, the primary terrain within which the social is constituted. Any kind of political transformation will, as a result, take place as an internal displacement of the elements entering the representation process [...] [R]epresentation is not a second best, as Rousseau would have had it, resulting from the increasing chasm between the universal communitarian space and the particularism of the actually existing

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<sup>1</sup> Hanna F. PITKIN, *The Concept of Representation*, University of California Press, Berkeley, 1967. See also, Michael SAWARD, "Representation", in Andrew DOBSON, Robyn ECKERSLEY (eds.), *Political Theory...cit.*, pp. 183-199.

collective wills. On the contrary, the asymmetry between community as a whole and collective wills is the source of that exhilarating game that we call politics, from which we find our limits but also our possibilities"<sup>1</sup>.

In a similar vein, we have seen, David Plotke argues that representation is democracy:

"Democratic politics is *constituted* partly through representation. Representation is constructive, producing knowledge, the capacity to share insights, and the ability to reach difficult agreements. It entails a capacity for recognizing social relations in order to consider changing them. Representation also helps to constitute democratic institutions. It requires procedures for taking decisions, and there have to be ways of sustaining those decisions over time"<sup>2</sup>.

Forms of political representation are, in the words of Plotke, processes of "artful construction", as is democratic politics itself. The task of political theory, then, is to continue to explore the potential of the classical notions of political representation and political accountability, which recent radical democratic writings have rather obscured.

Part of our understanding of what political legitimacy and responsibility in a democratic community means is a bi-directional relationship, "in which the relation between ruler and ruled takes the form of representation and the relation in which the ruled control the ruler takes the form of accountability"<sup>3</sup>. My claim in this article has been that, by praising the exclusive legitimacy virtues of public participation *at the expense* of the rich but complex potential of political representation, the result is, more often than not, a further weakening of the accountability, and hence political responsibility of the "traditional" representative institutions. At the end of the day, arguments that press for "more" participation while playing down and misunderstanding the classical puzzles of political representation cannot, for this very reason, increase political accountability.

The necessary, unavoidable "gray areas"<sup>4</sup> of the concept of representation are, in fact, its richness. Public participatory accounts cannot shed definitive light on these areas, for the reason that they are both insurmountable and constitutive to our political practices. These "gray areas" of political representation correspond to the tensions and dichotomies that have been the central concern of classical and modern accounts. Among them, the dichotomy between acting as a delegate or as a trustee is fundamental. Between the two poles (acting as a pure delegate/trustee) is one of the "gray areas" where the main potential for normative elaborations resides.

Referring to these internal tensions of the concept of representation, Pitkin writes:

"This paradoxical requirement, that a thing be both present and not present, at the same time, is precisely what appears in the mandate and independence theorists' conflicting views about the meaning of representation. What conceptual

<sup>1</sup> Ernesto LACLAU, "Populism: What's in a Name?", in Francisco PANIZZA (ed.), *Populism and the Mirror of Democracy*, Verso, London, 2005, p. 49.

<sup>2</sup> David PLOTKE, "Representation Is Democracy", cit., pp. 31-32.

<sup>3</sup> Stephen TURNER, "Expertise and Political Responsibility. The Columbia Shuttle Catastrophe", in *Democratization of Expertise? ...cit.*, p. 101.

<sup>4</sup> Roland PENNOCK, "Political Representation: An Overview", in Roland PENNOCK, John W. CHAPMAN, *Nomos X: Representation*, Atherton Press, New York, 1968, pp. 3-27.

analysis seems to have turned up here is not any kind of 'misuse' of a concept or distortion of its ordinary meaning. The concept of representation just does seem to be paradoxical in meaning, is intended to express a dichotomous idea. At most one can say that there is a mistake (but not misuse) to concentrate on only half the paradox, rather than the whole"<sup>1</sup>.

The role of political theories is, in the normative space and the gray areas opened by these conceptual accounts, precisely that of figuring out who are the subjects to be represented, what the individual or public interest consists in and how it should be represented, how to express the political pluralism and moral controversies in a political community.

From this perspective, public participation cannot normatively replace political representation. Radical democracy theorists contend that political representation is faulty, does not work, and that citizens have to participate in order to compensate that legitimacy deficit. But the argument advanced here shows that such contentions rest on fundamental conceptual and philosophical confusions – about the nature of the political as well as about the idea of representation itself.

It is very true that many political representatives try to forfeit their responsibility by referring too often to scientific expertise – with its aura of impartiality and objectivity – but we should not address that problem by minimizing their representative capacity; on the contrary, they can become more accountable – with all the limits of that concept – precisely is political representation is taken seriously.

Participatory democracy is based on the assumption that we all can, in principle, reach consensus on controversial and complex issues. But we cannot, since most of our disagreements are fundamental and authentic. This is precisely why political representation makes sense, as constituting political authority in the context of impossible unanimity. Political representatives are there to make these tragic choices on our behalf, as Isaiah Berlin would put it, and judge the important trade-offs that are there to be made between the various competing, incompatible choices and alternative futures.

Again, it is not the practice of public participation, but the (academic) normative discourse that focuses on it in an exclusionary manner, that has been the object of criticism in this article. By proposing to substitute citizens' participation and citizen science for political representation as the main repository of legitimacy in contemporary democracies, it is, tragically, politics itself which tends to be dissolved into risk regulation.

The problem of political representation is hence thornier and the concept itself much richer than radical participatory democrats assume. One of the consequences of their exclusionary normative focus on public participation is, effectively, of prematurely and emphatically 'closing' the debate. The resources of normativity in contemporary political theory are accordingly reduced, even while the declared aim of these accounts is precisely to enlarge and disenfranchise the categories of democratic subjects and of political choices. Yet by failing to perceive the normative potential of political representation, the very legitimacy problems of contemporary democracies<sup>2</sup> turned out misconstrued.

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<sup>1</sup> Hanna PITKIN, "Commentary: The Paradox of Representation", in Roland PENNOCK, John W. CHAPMAN, *Nomos X...cit.*, pp.38-42.

<sup>2</sup> Philip KITCHER, *Science, Truth and Democracy*, Oxford University Press, Oxford, 2001.